

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

COREY DEROSIERS,
Plaintiff,

v.

PROVIDENCE POLICE
DEPARTMENT, *Official Capacity*,
Defendant.

C.A. No. 24-287-JJM-LDA

ORDER

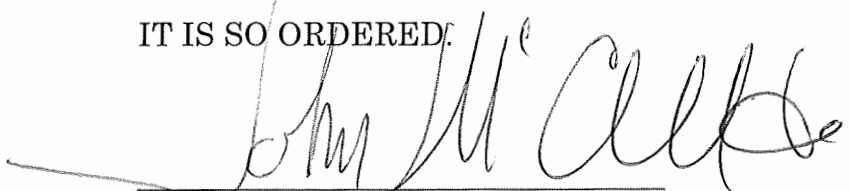
Corey Derosiers' filing of an Application to Proceed in Forma Pauperis (IFP) (ECF No. 2) requires the Court to review his Complaint to decide whether it sufficiently pleads a federal claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). If it does not, the Court cannot grant IFP status and, in addition, may dismiss the Complaint for insufficient pleading. In this case, Mr. Derosiers contends that he was assaulted by William Dery, a Providence Police Officer. Indeed, the public records of the Rhode Island Superior Court reveal a pending complaint for Felony Assault against Mr. Dery. See 62-2023-03523. That complaint names Mr. Derosiers as the victim of the assault.

Mr. Derosiers' original Complaint described his claim as one for assault, which is not a claim over which this Court has federal question jurisdiction. A claim for the tort of assault would ordinarily be brought in the state courts, as a state cause of action. This Court conditionally gave Mr. Desrosiers 30 days in which to amend his Complaint to state a federal cause of action. His Amended Complaint, received by

the Court one day after that time expired, now faults the Providence Police Department for not treating him sufficiently as a “victim” and for not assisting him in receiving compensation for his injuries. He characterizes the police response as “negligent.”

Negligence, like assault, is a state tort cause of action. Without expressing any opinion on the merits of such an action, the Court notes that Mr. Derosiers could file an action in the Superior Court of Providence County seeking compensation. In addition, if he were the victim of a crime causing personal injury, he may be entitled to file for compensation under the Rhode Island Criminal Injuries Compensation Act, R.I.G.L. 1956 § 12-25-16. A federal court is a court of limited jurisdiction, and unless the requirements of 28 U.S.C. §§ 1331 or 1332 are met, this Court cannot assume jurisdiction of the action. The Court GRANTS Mr. Desrosiers an extension of time in which to file his Amended Complaint, accepts the Amended Complaint as timely filed, but DISMISSES the Amended Complaint for lack of federal question jurisdiction. The Motion to Proceed in Forma Pauperis is DENIED as moot.

IT IS SO ORDERED.



John J. McConnell, Jr.
Chief Judge
United States District Court

September 17, 2024